

# UNITED STATES DISTRICT COURT

for the  
Western District of New York

In the Matter of the Search of

(Briefly describe the property to be searched or identify the person by name and address.)

The SUBJECT MEDIA, more further described in  
Attachment A.

Case No. 14-MJ-552

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the Western District of New York  
(identify the person or describe property to be searched and give its location): The SUBJECT MEDIA, more further described in Attachment A.

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized): See Attachment B for the Items to be Seized, all of which are fruits, evidence and instrumentalities of violations of Title 18 United States Code, Sections 2252A(a)(2)(A) and 2252A(a)(5)(B), as set for in the attached affidavit, and all of which are more fully described in the application and affidavit filed in support of this warrant, the allegations of which are adopted and incorporated by reference as if fully set forth herein.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of 18 U.S.C. §§ 2252A(a)(2)(A) & 2252A(a)(5)(B), and the application is based on these facts which are continued on the attached sheet..

☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Kelly Richards  
Applicant's signature

Kelly Richards, S/A HSI  
Printed name and title

Sworn to before me and signed in my presence.

Date: 3/31/14

[Signature]  
Judge's signature

City and state: Rochester, NY

Hon. Jonathan W. Feldman, U.S. Magistrate Judge  
Printed name and title

**ATTACHMENT A**  
**DESCRIPTION OF THE SUBJECT MEDIA**

The SUBJECT MEDIA to be searched is described as follows:

- 1.) Dell Laptop, Serial Number 533OQY1
- 2.) LG VN250 Cell Phone, Serial Number 008OYXM1769186

**ATTACHMENT B**  
**ITEMS TO BE SEARCHED FOR AND SEIZED**

1. Images of child pornography and files containing images of child pornography in any form wherever it may be stored or found.
2. Information, correspondence and/or records, in whatever form, pertaining to the possession, receipt or distribution, and production of visual depictions of minors engaged in sexually explicit conduct and/or child pornography as defined in Title 18, USC, Section 2256, to include but not limited to:
  - a. letters and other correspondence including, but not limited to, electronic mail, chat logs, and electronic messages, establishing possession, access to, or transmission through interstate or foreign commerce, including by United States mail or by computer, of visual depictions of minors engaged in sexually explicit conduct or child pornography, as defined in Title 18, USC, Section 2256; and
  - b. electronic ledgers, and records bearing on the production, reproduction, receipt, shipment, orders, requests, trades, purchases, or transactions of any kind involving the transmission through interstate or foreign commerce including by United States mail or by computer of any visual depiction of minors engaged in sexually explicit conduct, or child pornography, as defined in Title 18, USC, Section 2256;
3. Credit/debit card or bank account information including but not limited to bills, statements, and payment records, which reflects payment for or purchase of access to websites, software programs, organizations or other materials known to be associated with child pornography;
4. Records or other items which evidence ownership or use of the computer equipment, including but not limited to:
  - a. sales receipts and billing information for Internet access or Internet purchases made;
  - b. registry information, search terms, logins, passwords, email addresses, screen names, and indices.

**AFFIDAVIT IN SUPPORT  
OF A SEARCH WARRANT**

STATE OF NEW YORK   )  
COUNTY OF MONROE   )  
CITY OF ROCHESTER   )

I, KELLY RICHARDS, being duly sworn, depose and state the following:

**I.     INTRODUCTION**

1. I am a Special Agent with Homeland Security Investigations (HSI) within the Department of Homeland Security, assigned to the office of the Special Agent in Charge, Buffalo, New York, and have been so employed since 2008. As part of my duties as a special agent with HSI, I investigate criminal violations relating to child exploitation and child pornography, including the illegal distribution, receipt and possession of child pornography, in violation of Title 18, United States Code, Sections 2252 and 2252A. I have received specialized training in the area of child pornography and child exploitation, and I have had the opportunity to observe and review numerous examples of child pornography, as defined in Title 18, United States Code, Section 2256.
2. This affidavit is submitted in support of an application for a warrant to search a Dell Laptop Computer bearing Serial Number 533OQY1 and an LG VN250 Cell phone bearing Serial Number 008OYXM1769186, more particularly described in Attachment A, (hereinafter referred to as SUBJECT MEDIA) seized from the premises located at 152 Washington Street, Palmyra, NY 14522 for evidence of violations of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(a)(5)(B), related to child pornography.
3. As set forth in greater detail below, I believe there is probable cause to believe that evidence of violations of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(a)(5)(B) related to child pornography, will be found on the SUBJECT MEDIA.
4. The statements contained in this affidavit are based upon my investigation, information provided to me by other law enforcement personnel, and on my experience and training as a special agent with HSI. Because this affidavit is being submitted for the limited purpose of showing probable cause to secure a search warrant, I have not included each and every fact known to me concerning this investigation. I have only set forth facts that I believe are necessary to establish probable cause to believe that evidence, fruits, or instrumentalities of violations of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(a)(5)(B) related to child pornography are presently located in the SUBJECT MEDIA.

## **II. PROBABLE CAUSE TO SEARCH THE SUBJECT MEDIA**

5. In 2013, HSI conducted an undercover investigation involving online distribution of child pornography. One of the targets of that investigation used the screen name BABYSITTER94.
6. Investigative steps identified BABYSITTER94 to be using an IP Address which resolved to a physical address of 600 Conifer Drive, Apt. 802, Palmyra, NY 14522. Further investigation indicated that a resident of that address, Cody Yerden, was the likely user of the online screen name BABYSITTER94.
7. A search warrant was issued on March 11, 2014 authorizing agents to seize and search digital and electronic materials from 600 Conifer Drive, Apt. 802, Palmyra, NY. That search was executed by state and federal law enforcement on March 18, 2014. Yerden was not home at the time law enforcement arrived.
8. Agents located Yerden a short distance away at 152 Washington Street, Palmyra, NY and made contact with him. At that time, Yerden provided law enforcement with a Dell Laptop Computer and an LG VN250 Cell phone (the SUBJECT MEDIA) and he signed a consent form authorizing HSI to search the items. At the time Yerden was encountered, the Dell Laptop Computer was connected to the wireless router in that location, hence having access to the internet. The LG VN250 Cell Phone is a smart phone that contains a camera and Micro SD memory slot for extra storage. Because the phone also has internet access, Agents believe the device may have been used to view and download images of child pornography. HSI seized the items at that time; however, no search was conducted.
9. Agents returned to 600 Conifer Drive with Yerden where the search warrant was being executed and conducted a non-custodial interview with him in his home. During that time, Yerden admitted to agents that he used the screen name BABYSITTER94. He further admitted that he had uploaded child pornography images onto the internet. Yerden also told agents that they would find images of child pornography on the Dell Laptop Computer obtained from the defendant. These photos are in a folder labelled "Libraries – Pictures." Yerden stated there were approximately 100 images of child pornography in this folder. Yerden also stated that he has viewed and downloaded images of child pornography using his Apple iPod, which was seized from 600 Conifer Drive at the time of the warrant.
10. Following the interview with Yerden, an onsite forensic preview was conducted of a Lenovo Laptop, Serial Number R9-2K3CN, and a Dell Laptop, Serial Number 9YW91H1, which were seized at 600 Conifer Drive. Yerden identified the Lenovo laptop as one that used to belong to him which he gave his mother.
11. Your affiant observed images of minors engaged in sexually explicit conduct on the Lenovo laptop. Specifically, your affiant reviewed:

**File Name: 23164187zil.jpg**

File Description: The image depicts a minor, pre-pubescent unclothed female, approximately 7 years old. The minor female is posing by sitting on a blanket with her arms up above her head. Her legs are bent and spread open, exposing her vagina.

12. Your affiant also observed images of minors engaged in sexually explicit conduct on the Dell Laptop. Specifically, your affiant reviewed:

**File Name: (Kinderkutje) (pthc) 9yo – With Sound.avi**

File Description: The file is a movie clip, which is 41 minutes and 40 seconds in duration. The file depicts a minor, pre-pubescent female, approximately 4 years old, who fully undresses on the video. The minor female is then vaginally penetrated by an adult male's finger, an adult male's penis, and a sex toy.

13. The SUBJECT MEDIA has not been searched, and has been maintained in secure evidence storage since it was seized on March 18, 2014.

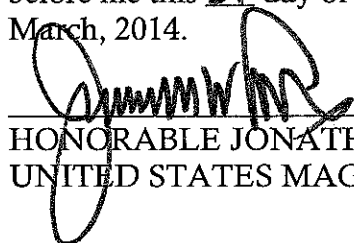
## CONCLUSION

Based upon the forgoing, the undersigned respectfully submits that there is probable cause to believe that evidence, fruits and instrumentalities of violations of Title 18, United States Code, Section 2252A(a)(2)(A) and Section 2252A(a)(5)(B), as specifically described in Attachment B to this application, are presently located within the SUBJECT MEDIA. The undersigned therefore respectfully requests that the attached warrant be issued authorizing a search for the items listed in Attachment B within the SUBJECT MEDIA, more particularly described in Attachment A to this application.



Kelly Richards, Special Agent  
Homeland Security Investigations

Sworn to and subscribed  
before me this 31 day of  
March, 2014.



HONORABLE JONATHAN FELDMAN  
UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A**  
**DESCRIPTION OF THE SUBJECT MEDIA**

The SUBJECT MEDIA to be searched is described as follows:

- 1.) Dell Laptop, Serial Number 533OQY1
- 2.) LG VN250 Cell Phone, Serial Number 008OYXM1769186

**ATTACHMENT B**  
**ITEMS TO BE SEARCHED FOR AND SEIZED**

1. Images of child pornography and files containing images of child pornography in any form wherever it may be stored or found.
2. Information, correspondence and/or records, in whatever form, pertaining to the possession, receipt or distribution, and production of visual depictions of minors engaged in sexually explicit conduct and/or child pornography as defined in Title 18, USC, Section 2256, to include but not limited to:
  - a. letters and other correspondence including, but not limited to, electronic mail, chat logs, and electronic messages, establishing possession, access to, or transmission through interstate or foreign commerce, including by United States mail or by computer, of visual depictions of minors engaged in sexually explicit conduct or child pornography, as defined in Title 18, USC, Section 2256; and
  - b. electronic ledgers, and records bearing on the production, reproduction, receipt, shipment, orders, requests, trades, purchases, or transactions of any kind involving the transmission through interstate or foreign commerce including by United States mail or by computer of any visual depiction of minors engaged in sexually explicit conduct, or child pornography, as defined in Title 18, USC, Section 2256;
3. Credit/debit card or bank account information including but not limited to bills, statements, and payment records, which reflects payment for or purchase of access to websites, software programs, organizations or other materials known to be associated with child pornography;
4. Records or other items which evidence ownership or use of the computer equipment, including but not limited to:
  - a. sales receipts and billing information for Internet access or Internet purchases made;
  - b. registry information, search terms, logins, passwords, email addresses, screen names, and indices.